

### REMARKS

This application has been carefully reviewed in light of the Office Action dated January 2, 2004. Claims 21 to 31 remain pending in the application, of which Claims 21, 25 and 31 are independent. Reconsideration and further examination are respectfully requested.

Claims 21 to 31 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Europe 1 067 731 (Ochiai). The rejection is respectfully traversed.

Applicant notes that the rejection is flawed for the following reasons: 1) rejections under § 102(e) can be based only on U.S. patents, published U.S. patent applications, and published PCT applications designating the U.S., and cannot be based on a published European patent such as Ochiai; and 2) Ochiai is not prior art to the subject application since it was published on January 10, 2001, nearly 6 months after the subject application's U.S. filing date of July 26, 2000. Accordingly, Applicant submits that the rejections are improper, the finality of the Office Action is improper and must be withdrawn, and that a new action on the merits should be issued.

Applicant also notes, however, that the foregoing European document to Ochiai corresponds to co-pending U.S. Patent Application No. 10/683,102, filed on October 10, 2003, which is a continuation of Application No. 09/609,224, filed on June 30, 2000, now abandoned. Neither of the foregoing applications have been published under 35 U.S.C. § 122. Therefore, Applicant is filing concurrently herewith an Information Disclosure Statement to cite co-pending Application No. 10/683,102 (hereinafter referred to as "the '102 application") and Applicant submits that the presently claimed invention is patentably distinct from that application for at least the following reasons.

The present invention searches for a device based on 1) location information input by a user as a search condition to search for a predetermined device, 2) location

information retrieved from an apparatus that transferred the search condition input by the user, and 3) location information of a plurality of devices stored in a storage medium. As a result, a search is performed for a device based, not only on the search condition input by the user, but also based on stored location information of a plurality of devices and location information of the apparatus that transmitted the user's input search condition, where the location information of the apparatus is retrieved from the apparatus.

With specific reference to the claims, amended independent Claim 21 is an information processing apparatus comprising a storage unit arranged to store location information of a plurality of devices, a reception unit arranged to receive location information which is input as a search condition by a user in order to search for a predetermined device and which is transferred from another information processing apparatus, a retrieval unit arranged to retrieve location information which represents a location of the another information processing apparatus, a search unit arranged to search for a device in accordance with the location information input as the search condition received by the reception unit, the location information of the another information processing apparatus retrieved by the retrieval unit, and the location information of the plurality of devices stored in the storage unit, and a transfer unit arranged to transfer device information searched by the search unit to the another information processing apparatus.

Amended independent Claim 31 is a method claim that substantially corresponds to Claim 21.

Amended independent Claim 25 is along the lines of Claims 21 and 31, but is more specifically directed to the another information processing apparatus that transmits the search condition input by the user, and from which the location information of the another information processing apparatus used in the search is retrieved.

The art of record, and in particular the '102 application, is not seen to disclose or to suggest the features of the present invention. Specifically, the '102 application is not seen to disclose or to suggest at least the feature of retrieving location information which represents a location of another information processing apparatus that transfers location information input by a user as a search condition for searching for a predetermined device, and searching for a device in accordance with the location information input by the user as the search condition, the retrieved location information of the another information processing apparatus, and location information of a plurality of devices stored in a storage medium.

The Office Action took the position that Fig. 28 and column 2, lines 7 to 16 of Ochiai, which corresponds to Fig. 28 and page 3, lines 6 to 15 of the '102 application, allegedly teaches the claimed retrieval unit/step, and that Fig. 26, the abstract and column 2, lines 1 to 6 of Ochiai, which corresponds to Fig. 26, the abstract, and page 2, line 27 to page 3 line 5 of the '102 application, allegedly teaches the claimed search unit/step. However, Applicant respectfully disagrees.

Regarding the claimed retrieval unit/step, the presently claimed invention retrieves location information from the another information processing apparatus (e.g., a client computer) that transferred location information input by a user as a search condition to search for a predetermined device. That is, when the apparatus performing the search receives the search condition input by the user from the client device, the apparatus retrieves the location information of the client device from the client device. The retrieved location information is then used to search for devices by the claimed search unit/step. In contrast, Fig. 28 of the '102 application merely discloses that, after a search is performed and the search results are displayed, location information of the resultant devices (i.e., the devices found during the search) is obtained so that the devices can be displayed on a map.

Thus, the obtained location information of the '102 application does not correspond to the apparatus that transferred the search request, nor is it retrieved from the apparatus that transferred the search request. Rather, the location information of the '102 application is obtained for devices found as the search results, and the location information is obtained from the search results instead of from a device. Accordingly, the '102 application does not disclose or suggest the retrieval unit/step of the presently claimed invention.

With regard to the claimed search unit/step, the presently claimed invention searches for a device based on 1) location information input by a user as a search condition for searching for a predetermined device, 2) location information retrieved from another information processing apparatus that transferred the user's input search condition, and 3) location information of a plurality of devices stored in a storage medium. In contrast, the '102 application only performs a search based on a search condition (location information) input by a user, which may, at best, be seen to correspond to the receiving unit/step of the present invention in which the apparatus performing the search receives the location information 1) above. The '102 application does not, however, perform the search based on the location information of 1) above and the location information of 2) above. Accordingly, the '102 application also does not teach the search unit/step of the presently claimed invention.

In view of the foregoing, all of Claims 21 to 31 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa,  
California office by telephone at (714) 540-8700. All correspondence should continue to  
be directed to our address given below.

Respectfully submitted,

  
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